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Reconciling MacCormick: Constitutional Pluralism and the Unity of Practical Reason

NEIL WALKER

Abstract. This article begins by assessing the ways in which the life and work of Neil MacCormick exemplified a dual commitment to the local and particular—especially through his advocacy of nationalism—and to the international and the universal. It then concentrates on one of the key tensions in his work which reflected that duality, namely the tension between his longstanding endorsement of constitutional pluralism—and so of the separate integrity of different “local” constitutional orders—and his belief in some kind of unity, and so community, residing in the moral and rational properties of all law. The article continues by considering a number of ways in which this tension may be resolved. It concludes, with particular reference to MacCormick’s late work on ethics, that the answer may be found through the idea of a general unity of practical reason which undergirds the various special orders of practical reason by which particular legal systems are distinguished.

1. The Cosmopolitan Local¹

Any tribute to Neil MacCormick and his work must acknowledge a striking duality to his character, to his achievements and, indeed, to his intellectual world view and considerable body of work. When in 1948 the sociologist Robert Merton famously coined the terms “local” and “cosmopolitan” to describe two contrasting kinds of cultural orientation amongst members of a community, it was clear that his opposition was a stylized one that admitted of many exceptions (Merton 1949). In our own community of legal scholarship, it is difficult to imagine anyone who has so comprehensively and consistently given lie to Merton’s opposition than Neil MacCormick. As a fellow Scot, I have never met a more international

¹ As reads the title of an earlier article of mine: Walker 2011b. The present article draws heavily on that earlier one but develops its basic argument in greater detail.

Equality and Marriage in Vico

GIANFRANCESCO ZANETTI

Abstract. The subject of this paper is the relationship between marriage and equality in Giambattista Vico. In his writings Vico gives the notion of marriage a unique importance, not framed on any oversized notion of nature or natural law but on the political fight for the right to marry (a quest for full citizenship status). The right to marry is linked with complex dynamics of human equality, and to a notion of human nature shaped by belief-dependent institutions.

1. The Philosopher of Marriage

Vico is an author whose writings seem to fascinate scholars of different traditions and interests. There is no doubt that it is incautious to try to read into his lines, in the haunting pages of his masterpiece, something that cannot be explained by taking account of the articulate, rather complex intellectual background from which his ideas took nourishment and vigor.¹ In this paper such an incautious line of conduct will nevertheless be undertaken.

The main topic of this paper will be the relationship between marriage and equality in Vico. Marriage has become a philosophical issue again (George and Elshtain 2006),² and Vico is *the* philosopher of marriage.

¹ Gustavo Costa, among others, wisely advises that trying to understand philosophers without paying real attention to their historical background can lead to serious mistakes and misunderstandings (“*terribili cantonate*”; Costa 1996, 170).

² Conservative moral philosophy perceives the institution of marriage as jeopardized by feminist and gay movements; they are particularly concerned because of the fight for a right to marry for gay and lesbian people. Conservative authors do occasionally mention Vico; see Timothy J. Dailey, Ph.D., Senior Fellow, Center for Marriage and Family Studies at Family Research Council, *The Slippery Slope of Same-Sex “Marriage,”* <http://www.frc.org/get.cfm?i=bc04c02>: “In his exhaustive examination of human history, Giovanni Battista Vico (1668–1744), Professor of Rhetoric at the University of Naples, concluded that marriage between a man and a woman is an essential characteristic of civilization, and as such is the ‘seedbed’ of society. Vico warned that chaos would ensue in the absence of strong social norms encouraging marital faithfulness and the loving care of children born to the union.” The same words are used by Pastor Steve King, Cherrydale Baptist Church, *Marriage—Why God’s Definition Matters* (<http://www.cherrydale.org/clientimages/30992/pastorkingsbooklets/marriage-whygodsdefmatters.pdf>). On law and the family in America see Grossman and Friedman 2011.

Needless to say, many authors have stressed the role of the family: It is possible to trace the history of such an institution in Western political philosophy all the way back to Aristotle, with his notion of *oikos*, and beyond. However, Aristotle and many others do not speak extensively of marriage *per se*, whereas Vico does.

Vico grants to the notion of marriage a significance that it does not have in, say, Hegel (see, e.g., Vico 1990a, 422, 488, 542, 544, 564, 645, 648–9, 660–1, 689, 708, 741–3, 896–7, 962).³ Marriage is one of the three institutions that mark the development of humanity out of the brutish state, together with religion and burial: It is therefore at the root of the most important development in the history of nations and mankind. The first human institution was marriage, symbolized by the torch in the Frontispiece Illustration; it was also “the world’s first form of friendship,” “the true natural form of friendship” (Vico 1999, 237). The right to solemn nuptials for plebeians is what is at stake in the other great change in such a history: the end of the age of heroes, and the dawn of democracy and the age of men. “[O]nce the human race had been firmly settled through solemnized marriage, democracies arose, and much later monarchies” (ibid., 429). Some of Vico’s most intriguing poems were written in order to celebrate weddings, like the famous *Giunone in danza*: The Goddess is addressed as the *de le nozze riverito nume*.

Moreover, marriage is defined as “a carnal union modestly consummated in fear of some divinity.” It is the second principle of Vico’s *New Science*, deriving from the first principle, which is divine providence itself. Finally, marriage is also the school “in which we learn the rudiments of all the great virtues” (ibid., 208, 212).

One of the reasons for Vico’s interest in marriage, however, is that plebeians had to fight for the right to marry. The right to marry was linked to their quest for full citizenship status: “Hence, when the patricians granted solemnized marriage to the plebeians, they effectively granted them the rights of citizenship as well” (ibid., 69).⁴ The right to marry is notoriously at the core of the so-called “heroic contentions.”

In other words, to speak of marriage implies public acknowledgement of a status, and of its political and legal consequences: Vico repeatedly stated that what plebeians were fighting for was solemn nuptials. Hence, the right to marry was linked to a full status among equal citizens.

³ That marriage is a key word/notion in Vico’s *New Science* can be easily proved on the basis of sheer textual evidence. The notion of family is itself a cornerstone in Vico’s political philosophy: marriage and family are obviously related, and yet distinguished (“marriage is the seed-bed of the family, just as the family is the seed-bed of the commonwealth”: Vico 1999, 8). Promiscuity, homosexuality, and incest are severely condemned by Vico (see Zanetti 2011, III).

⁴ See also, e.g., Vico 1999, 263: “Such was the primitive condition of the Roman plebeians down to the age of their contention for solemnized marriage. [. . .] The plebeians’ demand was thus a request for Roman citizenship, of which marriage was the natural principle”; ibid., 175.

2. Two Notions of Equality

Here, a deceptively simple issue of equality is at stake. In a nutshell: When plebeians realize that they are equal to patricians (are not all men created equal?), they fight to have the same rights that patricians enjoy. Such a train of thought is certainly important in *New Science*. It has to do with the conceptual itinerary from basic equality to equality as a goal.⁵

Some years ago, Jeremy Waldron made a distinction between basic equality, the notion according to which human beings are equal “in some fundamental and compelling sense” and equality “as a policy aim.” Waldron’s point is that we need a notion of basic equality to endorse our egalitarian aims, and he stresses that while much has been written about equality, modern literature deals far less with the background idea that humans are fundamentally one another’s equals.⁶

While it is easy to read *Vico* solely along these lines, it is also possible (or just interesting) to hazard another sort of interpretation, an incautious one. There are hints, in *Vico*, of an alternative conceptual itinerary, from equality as an aim to basic equality. This may sound counter-intuitive, but since there is nothing mysterious in this approach, I wish to clarify it with an example.

If I believe in the basic equality of all human beings, because God told me to believe in it, I will probably be ready to fight for, say, the civil rights of racial minorities. Blacks are equal to whites in a fundamental and compelling sense (basic equality), and therefore (this is equality as an aim) they should not be discriminated against by Jim Crow laws and the like. Now, for the sake of argument, let us suppose that the average score of blacks in admission tests for some Italian law schools is consistently lower than that of white students. Here, possibly, we have a fundamental case in which there *is* a difference after all. Let us suppose further that black students adopted by richer white Italian families have scores as high as those of white Italian students. The right kind of toys, entertainment, play time, stimuli, the comfort of a beautiful home, the education that money can provide, the security, the warmth of a safe neighborhood, can make a difference to the growth and development of the human brain.⁷ Fighting for equality, equality as an aim, taking steps so that there can be rich black

⁵ This line of reasoning is quite clear: “Roman history explicitly relates how, in their heroic contentions with the nobility, the plebeians at Rome protested that the fathers chosen for the senate by Romulus ‘had not descended from heaven,’ *non esse coelo demissos*. In other words, the founders of the patriciate did not have the divine origin of which the patricians boasted. [...] Reflecting on this equality, the plebeians began to seek equality with the patricians in civil liberty, and eventually changed the Roman state from an aristocracy to a democracy.”

⁶ Waldron 2002, 1–3: “So the distinction between basic equality and equality as an aim is fundamental to Dworkin’s work. Yet Dworkin has said next to nothing about the nature and grounding of the principle of equal respect.”

⁷ On this subject, see Nisbett 2009.

lawyers, rich black doctors, and so on, becomes a necessary step in order to be able to achieve basic equality between groups. First comes equality as a practice, i.e., egalitarian policies; the much vaunted basic equality, *pace* Waldron, becomes the result, the outcome. Equality as a practice, the fight for equality, is the *prius*; basic equality, the *posterius*. Once we have given black families equal social status and economic power, they become equal “in a fundamental and compelling sense.” It should be noted that there is no logical contradiction between the two alternative conceptual itineraries. It should also be noted that there are, however, interesting differences—for example, it is much easier to defend affirmative action policies from the latter point of view rather than from the former, which on the contrary seems to imply a color-blind ideology.⁸

3. Humanity and Equality in New Science

There are important ways in which human beings can differ from one another in *New Science*. It is not just minds and brains that are adaptable in Vico: The whole human body is. The shape of the human body, its natural strength and vigor, is not a *prius*, a given, a cause, it is a *posterius*, a result, an effect (of “political” causes). Giants (the first brutish beings who lived in the dark ages) were strong and disproportionate: Their very body was different. The reason for the ugly shape and disproportionate dimensions was first and foremost a *civil* reason:⁹ The lack of institutions providing hygienic conditions and care exposed children to the well-known effect of *sali nitri*.¹⁰ The less “city” we have, the more “forest” we get, in which children have no option but to exercise their bodies the hard way, struggling through dense woodland.¹¹

⁸ *Critical Race Theory* authors have made an important contribution to a better understanding of the relationship between equality and law. To translate into Italian, and to edit, some of the key writings of the movement, was an exciting experience indeed: Kendall and Zanetti 2005. On the absence of Critical Race Theory in Europe, see Moschel 2007.

⁹ “Human kind was at first divided into two kinds of people: the giants, or the pagans; and the people of normal build, or the Jews. This must reflect the difference between the brutish upbringing of the pagans and the human education of the Jews” (Vico 1999, 86). See also *ibid.*, 142 and 312, where the cleansing rituals, hygiene rules, have as a result the shrinking of the bodies, the “reduction of the giants’ stature.” The physical change in the bodies is for Vico the final outcome of a political triggering cause: “This is perhaps why the Latin adjective *politus*, cleansed or neat, derives from Greek *politeia*, civil government.” See footnote 23 for another example of “natural effects” explained with “political” causal factors in Vico.

¹⁰ It is the notorious explanation of the giants’ stature: of why “their flesh and bones must have grown inordinately large.” In a nutshell, it is a problem of upbringing and education. See Vico 1999, 140, for the details; see also *ibid.*, 217: “For heroic education had begun in a way to bring forth the form of the human soul, which had lain buried by matter in the giants’ huge bodies. And it likewise began to bring forth the form of the human body in its just dimensions from the disproportionate bodies of the giants.”

¹¹ On this intriguing theme, see Harrison 1992, pp. 3–13.

I think it is important to appreciate that Vico is ambivalent on this point. On the one hand, humankind does exist.¹² On the other hand, “human” also means civilized, “human” also means “properly human,” and the first dwellers in the brutish state are hardly so. Human nature is basically a social nature, but the hunter-gatherers in the ancient forest were not social at all; later Vico argues that it was important not to mix *gli già venuti all’umanità* (those who had already achieved human status) with those who had not yet reached that stage (Vico 1990a, 426).

Vico’s work includes both the notion of the unity of humankind and the concept of other kinds of beings, quite different possibly down to the structure and shape of their bodies, not to mention the ever possible “return of a clear distinction between the heroic and the human” nature (*nature quasi diverse*) in a further stage of the history of nations (Vico 1999, 465). When minds are at stake, the differences are so intense that civilized humans cannot even imagine the feelings of the ancient brutes: “For to our more civilized natures, the poetic nature of the first people is utterly impossible to imagine, and can be understood only with the greatest effort” (Vico 1999, 24).¹³

4. Inequality and Institutions

Another important difference is the difference, later in history, between patricians and plebeians. On the one hand, they are in truth alike, and the “fathers” could be seen simply as clever exploiters of their unfortunate serfs. Once the serfs understand their true equality with the patricians, they begin struggling, fighting for agrarian laws and the right to solemn nuptials.¹⁴ Defiantly, they assert that the fathers had not fallen from the sky, that patricians were not of divine origin. Yet things may be a trifle more complex than this, and perhaps also more interesting.

It is not that the plebeians were simply perceived to be unequal, or that a highly articulated series of lies had been put in place to cheat them into submission: “Indeed, false religions were born of people’s own credulity, rather than the impostures of others” (Vico 1999, 90). Religion and its corollaries—the divine origins of the father-heroes, the secrets of auspices and divination—were not simply convenient hoaxes perpetrated by a

¹² For example, Vico mentions “*questa gran città del gener umano*,” “*spezie umana*” (Vico 1990a, 549, 859). God wants to prevent wars that “could eventually destroy the human race” (Vico 1999, 19). On the other hand, see *ibid.*, 9, where Vico explains the origins of the expression “human race”—it was about those, and only those, who had been humanely engendered in fear of divinity, i.e., again, a notion dependent on civil institutions.

¹³ Here the *ingentilimento* (rise to gentility) seems to point to a radical change in human nature.

¹⁴ “For once the plebeians perceive that they are equal in nature with the nobles, they naturally cannot tolerate inequality in civil law, especially when they can obtain equality in democracies or monarchies” (Vico 1999, 477).

group of shrewd and ruthless patricians. Vico repeatedly stressed that religion was the result of a very special process: a collective self-delusion according to which groups of beings *fingunt simulque credunt* (ibid., 145), they imagine things and then, by providential mistake, begin to believe them all at the same time. Within this array of structured beliefs, patricians and plebeians *were* unequal.

In the XLIII Axiom, or *Degnità*, Vico examined the origins of heroism among the first people. While heroism was born “of the false opinion that heroes were of divine origins,” it should also be acknowledged that the “earliest myths must have contained civil truths” (Vico 1999, 91). This double standard of truth fills the whole of *New Science*: “Livy makes Romulus utter a shameless lie, which would have been a heroic truth if he had applied it to these first founders of nations.” In a general way, “the giants spoke truly when they uttered heroic sentences” (ibid., 225).

There are beliefs that enjoy a status quite unlike “physical” beliefs. If a group of people believes that the sun revolves around the earth, they are all wrong, those beliefs are wrong, and that collective belief is wrong. If a group believes, say, that the meeting point is at the Berkeley Campanile, it does not matter if according to other standards (e.g., a previously accepted and voted rule) the meeting point is to be at Cody’s. The Berkeley Campanile is truly the meeting point if everybody believes it. Institutional facts are belief-dependent.¹⁵

Now, there is a point of view according to which the status of the plebeians is belief-dependent: it is an institutional fact. In an important way, one can claim that plebeians are different. The identity of Roman citizens revolves around such a difference. As a Roman citizen, under those institutional circumstances, a patrician is different from a plebeian. It is almost another race, and if a free woman is pregnant by a serf, *alitur monstri alitur*, something with two natures, a monster, a chimera is being nurtured (ibid., 245 and see also, ibid., 163). This truth is, of course, of a very special kind. Vico has a name for it: heroic truth.

5. Heroic Truths

Heroic truth does not mean “truth” that turns out to be convenient for the heroes, the fathers, although it certainly does. Heroic truth does not mean that it has to do with deeds of valor and of heroism, although it often does. There are several layers of meaning in the notion of heroic truth (as is often the case with Vico’s key concepts).

When, for example, Vico speaks of poetic truth, he tells us that Goffredo (Goffredo di Buglione, leader of the Christian Army in Torquato Tasso’s *Gerusalemme liberata*) acts as a real Captain does, in a truer way than any

¹⁵ On institutional facts, see at least Searle 1995 and Lagerspetz 1995.

objective historical account of the deeds of any actual Captain. This truth is linked with the delicate problem of *universali fantastici*.¹⁶

Vico also claims that the children of humanity, the heroes, never lie in their legends. The ancient tales are always true: "They could invent nothing false in their early myths"; "the giants spoke truly" with childlike simplicity (Vico 1999, 166, 225).

Ancient tales and poems are always true because they "make" or constitute the institutional reality they represent. Ancient tales are true because they are (and are about) institutional facts that are belief-dependent in a fundamental way. Their heroic truth is a poetic truth that creates and makes an institutional reality within which patricians and plebeians *are* truly different and unequal.¹⁷ "The plebeians were the 'other people,' as Telemachus called them in a public assembly" (ibid., 297). Roman Law itself was but a *serioso poema*, a solemn poem.

The fight for equality, a struggle that has to do with practical matters like agrarian reform, debt laws, and so on, gives rise to the notion that perhaps patricians and plebeians are not that different after all. In the new human regime, as a matter of fact, they will be equal: they will be perceived as equals, but they will also *be* equal within the constitutive set of identity-shaping democratic institutions of the human age. The itinerary, here, is precisely from equality as an aim to basic equality. The key passage is the right to solemn nuptials: The institution of marriage is linked to a notion of full citizenship that creates a basic equality of a new kind.

It should be noticed that when the issue of heroic truth is at stake, Vico correctly stresses the role played by the senses and vivid imagination of those passionate primitive men. I certainly agree: This is a key point (Costa 1996, 114). But I submit that yet another issue may be at stake here.

The heroic truth is also a *collective* truth. The vivid senses and intense feelings of the men who created those heroic tales worked in a different way than cold individual reason wielded by a member of the *Repubblica delle lettere*. In refined civilizations where human reason reigns, individual human beings are at work, writing poetry and criticizing laws in order to make them more human. Reason dwells in individuals: members of the

¹⁶ On this subject, I found useful the lecture by Hayden White at the International Conference *Il sapere poetico e gli universali fantastici. La riflessione di Vico nella riflessione filosofica contemporanea* (Naples, May 23–25, 2002): *L'errore creativo e la logica poetica: Vico e la produzione del genere* (White 2002). White correctly stresses that one of the lessons of Vico's *New Science* is that what is perceived as natural is often in fact quite artificial.

¹⁷ Axiom 47 (where Godfrey of Bouillon is mentioned) describes "the natural inclination of the masses (*volgo*) to invent myths." The earliest men, "as the children of the human race, were unable to conceive rational categories of things, and thus felt a natural need to invent poetic archetypes"—imaginative categories or universals. This means that "human race" as a rational category could not be conceived; there was, on the other hand, the poetic truth of the hero, of the *true* human being, which of course excluded many human beings from such humanity. See Vico 1999, 93.

academy, professors. *Fantasia*, on the other hand, seems to dwell in groups—in individual human beings who are first and foremost members of developing “nations.” It belongs to barbarians, whose reason is buried in their senses, and who are therefore able to create, collectively as it were, the great poems. There is, for example, a Homeric heroic truth, but then the *vero* Homer is of course no individual human being endowed with enhanced imagination, or strong senses.¹⁸ Old tales and legends are by definition created by nations, i.e. groups or collectives. It is about imagination, granted; but it is a collective and shared imagination. It is not just a matter of stronger senses, a point that Vico stresses time and again, because it had been the great stumbling block on his way to the proper understanding of antiquity. It is also a matter of *collective, shared* imagination: The statue of Homer in the Illustration does not honor an individual philosopher, nor a single poet possessing powerful *fantasia*.

Individual truth can be keen; it can be learned, it can be erudite, but it has no creative power. It does not constitute an institution in the same way as collective beliefs do in heroic ages: It can, however, criticize them. Vico “always had the greatest apprehension of being alone in wisdom; this kind of solitude exposes one to the danger of becoming either a god or a fool” (Vico 1990b, 80).

The heroic struggles between patricians and plebeians take shape against the background of a heroic truth according to which the two groups belong to different stocks, and should therefore not be mixed. Intercourse is forbidden because the offspring would be at odds with themselves, hosting in their bodies two very different natures.¹⁹ It is a right-to-marriage problem: The point is that plebeians cannot celebrate solemn nuptials *even among themselves*, and this is what Vico finds most crucial.²⁰ They may not marry (they have no right to marry) because they “cannot” marry, they are not equal to the Fathers—the issue of basic equality comes to the fore again.

The nature of their intercourse, *more ferarum*, forbids such a marriage. To let plebeians marry is to act against nature, i.e., against *heroic* nature. Later in the course of history, more developed and intelligent minds were to

¹⁸ Individual poets, on the other hand, can be endowed with a barbarous nature, so that they become “incapable of reflection [...] and therefore naturally truthful,” like Dante. See Vico 1999, 367.

¹⁹ Monsters were “the offspring of noble women conceived without nuptial solemnities.” “If the patricians had shared nuptial rights with the plebeians, Livy says, any offspring would have been born ‘at odds with itself,’ *secum ipsa discors*. By this, Livy clearly meant a ‘monster with two natures,’ combining the heroic nature of the patricians, and the bestial nature of the plebeians” (Vico 1999, 163, 245–6).

²⁰ According to Vico, Livy had in mind the idea that patricians “could intermarry with plebeians. But in their wretched condition of near-slavery, the plebeians could not have demanded such a thing of the patricians. Rather, they asked for the right of contracting solemn nuptials—this is the true meaning of *connubium*—which only patricians enjoyed” (Vico 1999, 246). The plebeians “claimed not the right of intermarriage with the patricians, but the right of contracting solemn nuptials, which belonged to the patricians” (*ibid.*, 430).

"strive to elaborate a jurisprudence based on natural equity, which makes commoners and nobles equal in civil rights, as they are equal in human nature" (Vico 1999, 476)—as opposed to heroic nature.²¹

6. Final Remarks

The traditional conceptual itinerary from basic equality to equality as an aim (normative equality: equality as a practice, as an actual fight for equality) was certainly at work. The serfs began to acknowledge that they were not that different from the Fathers, and they used this notion as a powerful argument to fight for their rights.²²

However, the alternative conceptual itinerary was quite possibly also at work in Vico: While fighting for equality, the plebeians gave shape to another institutional reality within which they were basically equals. Plebeians can realize that they are basically equal not by some theoretical train of thought, or pondering some hidden philosophical truth which has been skillfully kept secret by ruthless patricians; they can do so only while struggling for concrete issues, fighting for an agrarian law, and finally for the right to solemn nuptials.

They do not necessarily fight because they have suddenly understood their basic equality; in Vico it is possible to read quite a different triggering factor, which is coldly stated in the XCV Axiom: "At first, people desire to throw off oppression and seek equality: witness the plebeians living in aristocracies, which eventually become democracies" (Vico 1999, 94). This desire has nothing to do with any notion of basic equality. It is a desire rooted in basic human emotions, conceived as more than consistent with human rationality in *New Science*. In democracies, the nature of human beings has changed, because it is a nature created or "fatta" by human beliefs, narratives, and institutions.²³ Vico was a caring, loving father, and a family man. Only from democracies on, however, (former) plebeians can feel "affection for their own blood," *tenerezza del sangue*. Before democracies, in the heroic times, "plebeian mothers [...] must have hated rather than loved children" (Vico 1999, 433–4). Vico does not link a mother's love to nature; nature itself, the "natural" feelings related to "the blood" (*sangue*), is explained with an eye to civil and political factors.

²¹ As openly stated in the Section I of Book 4 ("The Course of Nations") of *New Science*: "Three Kinds of Human Nature." See Vico 1999, 397–8.

²² "As many years passed and the human mind advanced, the plebeians eventually had second thoughts about the vain claims of nobility. Realizing that they had a human nature equal to that of the nobles, they resolved to enter the civil orders of the cities" (Vico 1999, 486).

²³ Roman Emperors "felt themselves in the shadow of the patriciate's splendour and therefore devoted themselves to promoting the rights of human nature, which are common to both plebeians and patricians" (Vico 1999, 434). The equality involved by a notion of human nature common to all human beings (both patricians and plebeians), seems to rely on political, not biological, "natural," reasons.

It is interesting that the philosopher of marriage, the one philosopher who affirms so outstanding a role for the institution of marriage *per se*, framed the problem of marriage not on any oversized notion of nature or natural law, nor on blind respect for immemorial traditional mores, but on the political fight for the right to marry. It is also interesting that he linked the right to marry to the dynamics of human equality, and to a notion of human nature shaped by belief-dependent institutions, which challenges us to question, as Vico's *famuli* did, any received "heroic" truth grounded on inequality and discrimination.

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